

**Minutes
Newton Planning Commission
June 26, 2012
Council Chambers
City Hall**

The regular meeting of the Newton Planning Commission was held at 7:00 p.m. on June 26, 2012 in the Council Chambers at City Hall.

Members

Present: Ken Simmons, Chairman
Melinda Travis
Jim Granny
Jim Smith
Donny Setzer
Stan Gabriel
Mark Stalnaker

Members

Absent:

Staff Present: Alex Fulbright, AICP, Assistant Planning Director
Max Sigler, Planner

Item 1: Call to Order

Chairman Simmons called the meeting to order at 7:00 pm.

Item 2: Consideration of Minutes of the May 22, 2012 Meeting

Chairman Simmons asked for consideration of the minutes of the May 22, 2012 meeting. There being no corrections or additions, Chairman Simmons ruled that the minutes were approved as presented.

Item 3: Old Business

Public Hearing #1

Text Amendment #2012-02 filed by the City of Newton Planning Commission proposes to allow Accessory Dwelling Units within Residential Zoning Districts.

Chairman Simmons called to order a Public Hearing as scheduled and advertised; and recognized **Mr. Sigler** to make a presentation to the Planning Commission. **Mr. Sigler** presented the proposed ordinance which reads as follows:

1) Accessory Dwelling Units may be permitted provided that they meet the following conditions:

- 1) The size of the ADU may not exceed 25% of the main house or 650 square feet, whichever is greater.
- 2) The ADU, main dwelling, and parcel shall be owned by the same person.
- 3) No more than one ADU shall be permitted on a single deeded lot.
- 4) The ADU must comply with all building setbacks and shall not be located in the front yard.
- 5) Must maintain design consistency with the principal structure.
- 6) The ADU shall not be served by a driveway separate from that serving the principal dwelling.
- 7) A detached ADU shall be served by separate utilities.
- 8) A separate means of egress shall be provided.
- 9) All North Carolina State Building Codes and City of Newton Minimum Housing Codes shall apply.
- 10) All ADUs shall be permitted and registered with the Planning Department.

With no further discussion, **Chairman Simmons** closed the Public Hearing and asked for a motion. A motion was made by **Mr. Simmons**, and seconded by **Mr. Granny** to recommend to City Council approval of the text amendment as presented.

Public Hearing #2

Text Amendment #2012-03 filed by the City of Newton Planning Commission proposes to amend the parking requirement for schools.

Chairman Simmons called to order a Public Hearing as scheduled and advertised; he recognized **Mr. Fulbright** to make a presentation to the Planning Commission. **Mr. Fulbright** explained that Newton-Conover City Schools is preparing to replace the existing South Newton Elementary School with a new facility. The new school will be located on the existing South Newton Elementary School Campus just behind the existing School Facility. The existing buildings are to be demolished once the new school is complete to accommodate parking for the new facility. As result of reviewing the preliminary plans, staff discovered that the minimum parking requirements for a school is the same whether it is an elementary, junior high and senior high school, which is 1.6 per classroom, 0.33 per student, plus 1.0 per staff member. It is recommended that zoning ordinance be amended as follows:

Uses	Spaces per Unit of Measure
RESIDENTIAL SUPPORT USES	
Church/synagogue	0.3 per seat
Child and adult care center	1.0 per employee, plus 1.0 per facility vehicle, plus 1.0 per 15 children
College/university	0.5 per student
School, elementary, junior high and senior high	1.6 per classroom 0.33 per student, plus 1.0 per staff member
<u>School, senior high</u>	<u>1.6 per classroom, 0.33 per student, plus 1.0 per staff member</u>
<u>School, elementary and junior</u>	<u>1.6 per classroom plus 1.0 per staff member</u>

NOTE: Items to be deleted are indicated with a ~~strikeout~~; items to be added are indicated with an underscore.

With no further discussion, **Chairman Simmons** closed the Public Hearing and asked for a motion. A motion was made by **Mr. Smith**, and seconded by **Mr. Setzer** to recommend to City Council approval of the text amendment as presented.

Item 4: New Business

Discussion of Temporary Uses and Structures

Chairman Simmons recognized **Mr. Sigler** to make a presentation to the Planning Commission. **Mr. Sigler** reviewed his memo that addressed the following issues.

Temporary and Seasonal Sales – Uses that are carried out primarily out of doors for a fixed period of time not to exceed 180 days. Such uses are characterized by their short term or seasonal nature and by the fact that permanent modifications or improvements are not made to the site.

These uses would be allowed in the B1, B2, B3, M-1, and EM-1 zoning districts.

- A. Operators of seasonal or temporary sales areas shall obtain a Temporary Use Permit from the Planning Director. The operator shall provide a site plan illustrating the temporary sales area, location of pedestrian areas, a statement regarding the duration, authorization of the property owner, and any permit or other fees as approved by the City Council.
- B. The Planning Director may issue a seasonal or temporary sales permit for a maximum of 180 days per calendar year.
- C. Seasonal or temporary sales shall not utilize more than 20% of the required parking stalls provided on the site for temporary sales purposes.
- D. All seasonal or temporary sales shall be located outside the public right of way.

- E. All seasonal or temporary sales shall be located outside of safe sight distances and landscaped areas.
- F. All seasonal sales shall be located in such a manner as to provide parking outside the right of way and not otherwise create an unsafe traffic condition.
- G. Any structures must meet wind construction standards and tie-down standards per state building code.
- H. Any tent occupying over 200 square feet of the site shall require approval from the Fire Marshal.

After **Mr. Sigler's** presentation, the Planning Commission discussed the issue. Some of the concerns that were raised were with the permanency of the use and the removal, the amount of time, location, and what type of goods could be offered. Staff will address the Planning Commission's concerns at the next meeting.

Item 5: Reports

None

Item 6: Adjournment

With no further business, the meeting was adjourned.

Respectfully submitted,

Alex Fulbright, AICP
Recording Secretary